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11 Attorneys for Defendant
12 MARC DAVIS

13
14 IN THE UNITED STATES DISTRICT COURT
15
16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17
18 UNITED STATES OF AMERICA

No. 1:21-cr-00206-DAD-BAM

19 Plaintiff,

20
21 STIPULATION TO CONTINUE BRIEFING
22 SCHEDULE AND HEARING DATE; AND
23 ORDER

24 v.
25 MARC DAVIS,

26 Date: February 23, 2022

27 Time: 1:00 p.m.

28 Court: Hon. Barbara A. McAuliffe

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20 IT IS HEREBY STIPULATED, by and between the parties through their respective
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counsel, Assistant United States Attorney Kimberly A. Sanchez, counsel for the government, and
Assistant Federal Defender, Jaya C. Gupta, counsel for defendant Marc Davis, that the briefing
schedule set in this case be continued as set forth below.

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20 Defense counsel asked to set a briefing schedule for pretrial motions in early October
21
22 (ECF Nos. 25-26), and upon the parties' stipulation, the Court set the following briefing schedule
23
24 (ECF No. 27):

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- 26 • Defense motion to be filed on or before December 29, 2021;
- 27 • Government opposition to be filed on or before January 26, 2022;
- 28 • Any defense reply to be filed on or before February 9, 2022;

1 • Motion hearing to be set on February 23, 2022, at 1:00 a.m. before the Honorable
2 Barbara A. McAuliffe, United States Magistrate Judge.

3 Due to defense counsel's other obligations, including a lengthy trial in Sacramento that
4 lasted longer than was originally anticipated, defense counsel needs additional time to conduct
5 investigation that may be relevant to the pretrial motions filed on Mr. Davis's behalf. Defense
6 counsel has also recently made additional requests for discovery that may be relevant to the
7 pretrial motions. In light of this, the parties ask that the current dates be re-set as follows:

8 • Defense motion to be filed on or before January 26, 2022;
9 • Government opposition to be filed on or before February 23, 2022;
10 • Any defense reply to be filed on or before March 9, 2022;
11 • Motion hearing to be set on March 23, 2022, at 1:00 p.m. before the Honorable
12 Barbara A. McAuliffe, United States Magistrate Judge.

13 The time period from October 6, 2021 until February 23, 2022 was previously excluded.
14 ECF No. 27. The parties agree that the time period from February 23, 2022 until disposition of
15 the motion on March 23, 2022, shall be excluded under 18 U.S.C. § 3161(h)(1)(D) because the
16 delay results from the filing of a pretrial motion, through the conclusion of any hearing on the
17 motion, and the prompt disposition of the motion. *See* 18 U.S.C. § 3161(h)(1)(D).

18 Dated: December 21, 2021

HEATHER E. WILLIAMS
Federal Defender

20 _____
21 /s/ *Jaya C. Gupta* _____
22 JAYA C. GUPTA
23 Attorneys for Defendant
24 MARC DAVIS

25 Dated: December 21, 2021

PHILLIP A. TALBERT
Acting United States Attorney

26 _____
27 /s/ *Kimberly A. Sanchez* _____
28 KIMBERLY A. SANCHEZ
Assistant United States Attorney

ORDER

IT IS ORDERED THAT the briefing schedule on the defense motion is hereby re-set in accordance with the above. The defense motion is to be filed on or before January 26, 2022. The government opposition is to be filed on or before February 23, 2022. Any defense reply is to be filed on or before March 9, 2022. A hearing on the motion is hereby set for **March 23, 2022, at 1:00 p.m. before the Honorable Barbara A. McAuliffe**, United States Magistrate Judge.

Time shall be excluded until March 23, 2022, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a pretrial motion.

IT IS SO ORDERED.

Dated: December 21, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE